

Remarks/Arguments:

Claims 1-20 are pending. Claims 1-5, 9-15 and 20 stand rejected and claims 6-8 and 16-19 are withdrawn from consideration. In this Response, claims 1-2, 10 and 15 are amended. Claims 9 and 11 are cancelled and claim 21 is added. Accordingly, claims 1-5, 10, 12-15 and 20-21 are presented for consideration.

Rejections Under 35 U.S.C. § 112

Claim 2 is rejected under 35 U.S.C. § 112, second paragraph. Specifically, the Office Action sets forth "Claim 2 is indefinite due to the fact that it is unclear what is actually being claimed by the phrases 'is formed responsive to' and 'tapping into the axial hole'." Although applicants believe that one of skill in the art would understand the claim regarding how the external thread on the terminal element would form an internal thread in the shaft by tapping, applicants have amended claim 2 to make this even more clear. Applicants respectfully request, therefore, that the rejection of claim 2 under 35 U.S.C. § 112, second paragraph as being indefinite, be withdrawn.

Rejections Under 35 U.S.C. § 103

The Office Action sets forth at page 3, paragraph 5 "Claims 1-2, 4, 9-14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilske." Applicants respectfully submit that this rejection is overcome by the amendments to the claims and the reasons set forth below.

Applicants' invention as recited in claim 1, as amended, includes features neither disclosed nor suggested by Wilske, namely:

... a shaft having opposed longitudinal ends, the shaft having an internally threaded portion at a first end of the shaft, and

a terminal element provided at the first end of the shaft, the terminal element having a first externally threaded portion at a first end for connection to the shaft and a second externally threaded portion at a second end for connection to a nipple.
(Emphasis added)

This feature is described in applicants' specification, for example, at page 5, lines 1-15 and Fig. 3.

Application No. 10/538,696
Amendment Dated May 28, 2009
In Reply to Final Office Action dated March 11, 2009

Applicants' invention is a spoke for wheels having a shaft with internally threaded ends and an intermediary terminal element having externally threaded ends for coupling between the internally threaded end of the shaft and a nipple.

The Office Action readily admits that Wilske does not disclose the terminal element. The Office takes the position, however, that it would be obvious to duplicate the terminal element that has been admitted to not exist in Wilske. Applicants note that even if the internally threaded element (f) of Wilske is duplicated at both ends of shaft (F), there is no disclosure or suggestion of the terminal element having a first externally threaded portion at a first end for connection to the shaft and a second externally threaded portion at a second end for connection to a nipple. Any suggestion to the contrary is based on using applicants' specification as a road map and, thus, hindsight.

In contrast, applicants' invention includes a first terminal element, the first terminal element having a first externally threaded portion and a first end for connection to the shaft and a second externally threaded portion of the second end for connection to a nipple. The terminal element reciprocally connects the nipple and the shaft. This provides the advantage of better regulation of the spoke and, by acting on the connecting element, torsional stresses are concentrated on the terminal element and not on the shaft or the nipple. Thus, providing a more resilient spoke.

Wilske does not have these advantages because Wilske does not have a terminal element having a first externally threaded portion and a first end for connection to the shaft and a second externally portion of the second end for connection to a nipple.

Applicants respectfully request, therefore, that the rejection of claim 1 be withdrawn and the claim allowed.

Claims 2, 4, 10, 12-14 and 20 depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1. The rejection of claims 9 and 11 is moot due to their cancellation.

The Office Action sets forth at page 4, paragraph 6 "Claims 3, 5, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilske...and further in view of Imao et al." Applicants respectfully submit that this rejection is overcome by the amendments to the claims and the reasons set forth below.

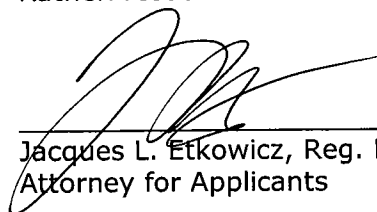
Imao is relied upon as teaching "the use of a spoke having terminal elements (1-2) formed from steel, while the shaft 3 is formed from a fiber reinforced material." Imao fails to make up, however, for the deficiencies of Wilske as discussed above with respect to claim 1. Accordingly, because claims 3 and 5 depend upon claim 1 and claim 15 includes features similar to those of claim 1, applicants respectfully submit that the rejection of claims 3, 5 and 15 should be withdrawn and the claims allowed.

Claim 21 is added. Support for claim 21 may be found in applicants' specification as originally filed and, thus, does not add new matter. Claim 21 includes features similar to those of claim 1 and, thus, is likewise allowable for at least the reasons set forth above with respect to claim 1. Entry and allowance of claim 21 is respectfully requested.

In view of the amendments and remarks set forth above, applicants submit that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia



Jacques L. Etkowicz, Reg. No. 41,738
Attorney for Applicants

JLE/kpc

Dated: May 28, 2009

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.